

REMARKS

This amendment is in response to the Office Action dated August 5, 2010 (the “Office Action”). Claims 1-2, 8-10, 21-25, 29-30, 32-34, and 37-49 are pending in the application. Claims 3-7, 11-20, 26-28, and 35-36 were previously canceled without prejudice or disclaimer. Claims 1, 21, 29, 32, 34, and 44-49 have been amended. No new matter has been added. Support for the claim amendments can be found in the specification, claims, and figures as originally filed.

Claims 1-2, 8-10, 37-40, and 44-45 are Allowable

The Office has rejected claims 1-2, 8-10, 37-40, and 44-45, at paragraph 1 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 6,341,160 (“Tverskoy”) in view of U.S. Patent No. 6,765,996 (“Baxter”) and further in view of U.S. Patent No. 5,826,026 (“Friedman”). Applicants respectfully traverse the rejections.

The cited portions of Tverskoy, Baxter, and Friedman fail to disclose or suggest the specific combination of claim 1. For example, the cited portions of Tverskoy, Baxter, and Friedman fail to disclose or suggest addressing an electronic mail message to a plurality of recipients associated with a unified messaging mailbox of a called party, as in claim 1.

Tverskoy describes an electronically accessible answering machine. *See* Tverskoy, Abstract. A control system associated with the answering machine generates an electronic mail message that includes a voice message recorded at the answering machine. *See* Tverskoy, Abstract. Tverskoy describes that the answering machine provides a user with access to stored voice messages via electronic mail. To provide the access, the answering machine sends and receives electronic mail messages to and from the user. *See* Tverskoy, col. 3, ll. 47-52. The cited portions of Tverskoy fail to disclose or suggest addressing an electronic mail message to a plurality of recipients associated with a unified messaging mailbox of a called party, as in claim 1.

Baxter describes transmitting electronic voice messages by associating a caller ID string with a preexisting user record that includes information such as a caller address, fax, user name, and email address. *See* Baxter, col. 2, ll. 43-52. An audio clip is attached to an email and transmitted to a first email account. *See* Baxter, col. 3, ll. 9-12. The cited portions of Baxter fail to disclose or suggest addressing an electronic mail message to a plurality of recipients associated with a unified messaging mailbox of a called party, as in claim 1.

Friedman describes a telephone answering device that includes a message communicator including a voice converter unit coupled to a voice storage memory. *See* Baxter, col. 9, ll. 43-46. The voice converter unit may be coupled to a user interface unit (e.g. a microphone or a speaker). *See* Baxter, Fig. 3. The cited portions of Baxter do not disclose or suggest a unified messaging mailbox of a called party. Therefore, the cited portions of Baxter fail to disclose or suggest addressing an electronic mail message to a plurality of recipients associated with a unified messaging mailbox of a called party, as in claim 1.

Accordingly, the cited portions of Tverskoy, Baxter, and Friedman fail to disclose or suggest at least one element of claim 1. Hence, claim 1 is allowable. Claims 2, 8-10, 37-40, and 44-45 are also allowable, at least by virtue of depending from an allowable claim.

In addition, the Office takes Official notice that features of claim 1 are known in the art. *See* Office Action, p. 4. Specifically, the Office takes Official Notice that it is well known that an email server sends a summary file, such as an Inbox list, of email messages to a recipient when the recipient logs onto the email server. The Office does not provide documentary evidence accompanying the Official Notice.

Applicants respectfully traverse the Office Notice and submit that Official Notice unsupported by documentary evidence should only be taken where the facts asserted to be well-known are capable of instant and unquestionable demonstration as being well-known. *See* MPEP 2144.03. Applicants respectfully submit that sending a summary file is not capable of instant and unquestionable demonstration. In addition, Applicants have amended claim 1 to recite that the file includes received email messages. Accordingly, Applicants respectfully submit that the Official Notice is improper and should either be supported by documentary evidence or withdrawn.

Further, the dependent claims recite additional elements not disclosed or suggested by the cited portions of the above cited references. For example, the cited portions of the above cited references fail to disclose or suggest an email server that deletes a file that includes received email messages after the file is sent to an email client, as in claim 44. Hence, claim 44 is allowable for at least this additional reason.

Claims 21-25, 41, and 46-47 are Allowable

The Office has rejected claims 21-25, 41, and 46-47, at paragraph 2 of the Office Action, under 35 U.S.C. § 103(a), as being unpatentable over Tverskoy in view of Baxter. Applicants respectfully traverse the rejections.

The cited portions of Tverskoy and Baxter fail to disclose or suggest the specific combination of claim 21. For example, the cited portions of Tverskoy and Baxter fail to disclose or suggest employing a messaging device to record a message from a calling party, where the message has an audio portion and a visual portion, as in claim 21.

Tverskoy describes an electronically accessible answering machine. *See* Tverskoy, Abstract. A control system associated with the answering machine generates an electronic mail message that includes a voice message recorded at the answering machine. *See* Tverskoy, Abstract. Tverskoy describes that a digital representation of the voice message may be attached to an e-mail message. *See* Tverskoy, col. 5, ll. 2-6. The cited portions of Tverskoy fail to disclose or suggest that the voice message includes a visual portion. The cited portions of Tverskoy fail to disclose or suggest employing a messaging device to record a message from a calling party, where the message has an audio portion and a visual portion, as in claim 21.

Baxter describes transmitting electronic voice messages by associating a caller ID string with a preexisting user record that includes information such as a caller address, fax, user name, and email address. *See* Baxter, col. 2, ll. 43-52. An audio clip is attached to an email and transmitted to a first email account. *See* Baxter, col. 3, ll. 9-12. The cited portions of Baxter fail to disclose or suggest that voice messages left by calling parties include a visual portion. The cited portions of Baxter fail to disclose or suggest employing a messaging device to record a

message from a calling party, where the message has an audio portion and a visual portion, as in claim 21.

Therefore, the cited portions of Tverskoy and Baxter, individually or in combination, fail to disclose or suggest at least one element of claim 21. Hence, claim 21 is allowable. Claims 22-25, 41, and 46-47 are also allowable, at least by virtue of depending from an allowable claim.

In addition, the Office takes Official notice that features of claim 21 are known in the art. *See* Office Action, p. 8. Specifically, the Office takes Official Notice that it is well known that an email server sends a summary file, such as an Inbox list, of email messages to a recipient when the recipient logs onto the email server. The Office does not provide documentary evidence accompanying the Official Notice.

Applicants respectfully traverse the Office Notice and submit that Official Notice unsupported by documentary evidence should only be taken where the facts asserted to be well-known are capable of instant and unquestionable demonstration as being well-known. *See* MPEP 2144.03. Applicants respectfully submit that sending a summary file is not capable instant and unquestionable demonstration. In addition, Applicants have amended claim 21 to recite that the file includes received email messages. Accordingly, Applicants respectfully submit that the Official Notice is improper and should either be supported by documentary evidence or withdrawn.

Claims 29-30, 42, and 48-49 are Allowable

The Office has rejected claims 29-30, 42, and 48-49, at paragraph 3 of the Office Action, as being unpatentable over U.S. Patent No. 6,483,899 (“Agraharam”) in view of U.S. Patent No. 6,621,800 (“Klein”) and further in view of Baxter. Applicants respectfully traverse the rejections.

The cited portions of Agraharam, Klein, and Baxter fail to disclose or suggest the specific combination of claim 29. For example, the cited portions of Agraharam, Klein, and Baxter fail to disclose or suggest a computer-readable medium storing computer-readable instructions that, when executed by a processor, cause the processor to record a message from a calling party, wherein the message has an audio portion and a visual portion, as in claim 29.

Agraharam describes a network-based system that converts voice messages into text messages by utilizing speech recognition software. *See* Agraharam, Abstract. The text message is transmitted to an intended recipient as an email message or as a facsimile document. *See* Agraharam, Abstract. Agraharam describes that a sending party of a voice message may identify an intended recipient of the voice message by either speaking an email address of the intended recipient into the phone or by entering an email address of the intended recipient via a keypad of the phone. *See* Agraharam, col. 3, ll. 9-25. The email address of the intended recipient is not a visual portion of the voice message. The cited portions of Agraharam fail to disclose or suggest a computer-readable medium storing computer-readable instructions that, when executed by a processor, cause the processor to record a message from a calling party, wherein the message has an audio portion and a visual portion, as in claim 29.

Klein describes a voice messaging system allowing monitoring of telephone calls that permits subscribers to monitor incoming calls handled by voice messaging systems and to selectively listen to a message as it is recorded. *See* Klein, Abstract. Klein describes an audio message that is recorded and provided to a client at a registered IP address. *See* Klein, col. 5, ll. 38-43 & Fig. 2B. The cited portions of Klein fail to disclose or a computer-readable medium storing computer-readable instructions that, when executed by a processor, cause the processor to record a message from a calling party, wherein the message has an audio portion and a visual portion, as in claim 29.

Baxter describes transmitting electronic voice messages by associating a caller ID string with a preexisting user record that includes information such as a caller address, fax, user name, and email address. *See* Baxter, col. 2, ll. 43-52. An audio clip is attached to an email and transmitted to a first email account. *See* Baxter, col. 3, ll. 9-12. The cited portions of Baxter fail to disclose or suggest that the voice messages include a visual portion. The cited portions of Baxter fail to disclose or suggest a computer-readable medium storing computer-readable instructions that, when executed by a processor, cause the processor to record a message from a calling party, wherein the message has an audio portion and a visual portion, as in claim 29.

Therefore, the cited portions of Agraharam, Klein, and Baxter, individually or in combination, fail to disclose or suggest at least one element of claim 29. Hence, claim 29 is

allowable. Claims 28-30, 42, and 48-49 are also allowable, at least by virtue of depending from an allowable claim.

In addition, the Office takes Official notice that features of claim 29 are known in the art. *See* Office Action, p. 11. Specifically, the Office takes Official Notice that it is well known that an email server sends a summary file, such as an Inbox list, of email messages to a recipient when the recipient logs onto the email server. The Office does not provide documentary evidence accompanying the Official Notice.

Applicants respectfully traverse the Office Notice and submit that Official Notice unsupported by documentary evidence should only be taken where the facts asserted to be well-known are capable of instant and unquestionable demonstration as being well-known. *See* MPEP 2144.03. Applicants respectfully submit that sending a summary file is not capable instant and unquestionable demonstration. In addition, Applicants have amended claim 29 to recite that the file includes received email messages. Accordingly, Applicants respectfully submit that the Official Notice is improper and should either be supported by documentary evidence or withdrawn.

Claims 32-34 and 43 are Allowable

The Office has rejected claims 32-34 and 34, at paragraph 4 of the Office Action, as being unpatentable over Agraharam in view of Klein and further in view of Baxter. Applicants respectfully traverse the rejections.

As explained previously, the cited portions of Agraharam, Klein, and Baxter, individually or in combination, fail to disclose or suggest a computer-readable medium storing computer-readable instructions that, when executed by a processor, cause the processor to record a message from a calling party, wherein the message has an audio portion and a visual portion. The cited portions of Agraharam, Klein, and Baxter, individually or in combination, fail to disclose or suggest a messaging engine that composes an electronic mail message that includes an audio portion of a message, a visual portion of the message, and an email address associated with a calling party, as in claim 32. Hence, claim 32 is allowable.

In addition, the Office takes Official notice that features of claim 32 are known in the art. *See* Office Action, p. 13. Specifically, the Office takes Official Notice that it is well known that an email server sends a summary file, such as an Inbox list, of email messages to a recipient when the recipient logs onto the email server. The Office does not provide documentary evidence accompanying the Official Notice.

Applicants respectfully traverse the Office Notice and submit that Official Notice unsupported by documentary evidence should only be taken where the facts asserted to be well-known are capable of instant and unquestionable demonstration as being well-known. *See* MPEP 2144.03. Applicants respectfully submit that sending a summary file is not capable instant and unquestionable demonstration. In addition, Applicants have amended claim 32 to recite that the file includes received email messages. Accordingly, Applicants respectfully submit that the Official Notice is improper and should either be supported by documentary evidence or withdrawn.

Further, the dependent claims recite additional features not disclosed or suggest by the cited portions of the above cited references. For example, the cited portions of the above cited references fail to disclose or suggest a visual portion that includes a visual message, where the visual message is not a textual message, as in claim 34. Agraharam describes entering an email address of the intended recipient via a keypad of the phone. *See* Agraharam, col. 3, ll. 9-25. Klein and Baxter describe recording voice messages. Therefore, the cited portions of Agraharam, Klein, and Baxter fail to disclose or suggest a visual portion that includes a visual message, where the visual message is not a textual message, as in claim 34. Hence, claim 34 is allowable for at least this additional reason.

CONCLUSION


Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the objections and rejections, as well as an indication of the allowability of each of the pending claims.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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